REMARKS

Claims 1 to 13 are pending in the application.

Claims 1, 7 to 9, 11, and 13 are currently amended.

Claims 2 to 6 are canceled.

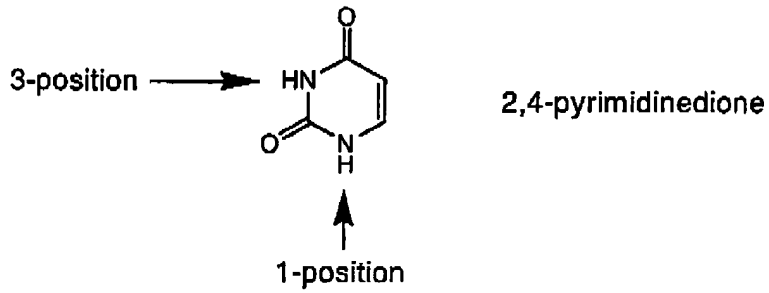
Claims 1 and 7 to 13 would be all of the claims remaining in the instant application if the present amendment is entered.

Amendments to the Claims

Claim 1 is amended to add the limitation from original claims 2 and 5 and thus, original claims 2 and 5 are canceled.

Claim Rejections – 35 USC § 102

In the Office Action, claims 1 to 5 and 10 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Son et al., WO 2000/51990. Applicants traverse the rejection because claims 2 to 5 are canceled, rendering the rejection of claims 2 to 5 moot, and because Son et al. refer to 2,4-pyrimidinedione compounds that are unsubstituted in the 3-position, i.e., the compounds of Son et al. contain a H on the nitrogen at the 3-position, whereas in the instant claims 1 and 10, R^2 is not H. For illustration purposes, a 2,4-pyrimidinedione is drawn below with positions 1 and 3 indicated:



In the Office Action, claims 1, 2, 4, 5, and 10 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Wright et al., US 6,177,437. Applicants traverse the rejection because claims 2, 4, and 5 are canceled, rendering the rejection of claims 2, 4, and 5 moot, and because Wright et al. refer to either (i) 2,4-pyrimidinedione compounds that are unsubstituted in the 3-position, i.e., the compounds contain a H on

the nitrogen at the 3-position, or (ii) is a compound that is substituted in the 3-position with ethyl (see column 26, line 25), whereas in the instant claims 1 and 10, R^2 is not H or ethyl.

Accordingly, Applicants believe that claims 1 and 10 are not anticipated by Son et al. or Wright et al. and are patentable under 35 U.S.C. § 102(b).

Claim Rejections – 35 USC § 103

In the Office Action, claims 1 to 5 and 10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Son et al., WO 2000/51990. It was stated in the Office Action that Son et al. teach compounds and compositions of the instant claims for treating viral infections. It was further stated that Son et al. exemplify a small number of compounds, but allegedly teach the equivalency of the exemplified compounds with the generically embraced compounds of formula I on page 2 of Son et al.

Applicants traverse the rejection because claims 2 to 5 are canceled, rendering the rejection of claims 2 to 5 moot, and because Son et al. do not teach or suggest all of the limitations of claims 1 or 10. Son et al. mention 2,4-pyrimidinediones that are unsubstituted in the 3-position, whereas the instant claims 1 and 10 contain an R^2 group independently selected from:

Phenyl-(C_1-C_8 alkylenyl)$_m$;
Substituted phenyl-(C_1-C_8 alkylenyl)$_m$;
5- or 6-membered heteroaryl-(C_1-C_8 alkylenyl)$_m$;
Substituted 5- or 6-membered heteroaryl-(C_1-C_8 alkylenyl)$_m$;
8- to 10-membered heterobiaryl-(C_1-C_8 alkylenyl)$_m$; and
Substituted 8- to 10-membered heterobiaryl-(C_1-C_8 alkylenyl)$_m$;
wherein m is an integer or 0 or 1.

When the present invention is taken as a whole, Applicants believe that it would not have been obvious to one of ordinary skill in the art at the time the application was filed to replace the H at the 3-position of a compound of Son et al. with the instant R^2 group.

In the Office Action, claims 1 to 6 and 10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wright et al., US 6,177,437 for reasons generally analogous to the reasons provided for the previous § 103(a) rejection.

Applicants traverse the rejection because claims 2 to 6 are canceled, rendering the rejection of claims 2 to 6 moot, and because Wright et al. do not teach or suggest all of the limitations of claims 1 or 10. Wright et al. mention (i) 2,4-pyrimidinediones that are unsubstituted in the 3-position and (ii) only one 2,4-pyrimidinedione that is substituted in the 3-position with ethyl, whereas the instant compound of claim 1 and the pharmaceutical composition of claim 10 contain an R^2 group as defined above. When the present invention is taken as a whole, Applicants believe that it would not have been obvious to one of ordinary skill in the art at the time the application was filed to replace the H or CH_2CH_3 at the 3-position of a compound of Wright et al. with an instant R^2 group of claims 1 or 10.

Accordingly, Applicants believe that the compound of claims 1 and 10 are not obvious in view of Son et al. or in view of Wright et al. and are patentable under 35 U.S.C. § 103(a).

Allowable Subject Matter

Claims 7 to 9 and 11 to 13 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7 to 9 have been amended to independent form and claims 11 and 13 have been amended to depend from claims 7 to 9. Claim 12 has not been amended to independent form because Applicants believe that the rejections of the base claim 1 and any intervening claims have been overcome for the reasons provided above.

Conclusion

In view of the above amendment and remarks, Applicants believe that the rejections and objection are overcome and request reconsideration of claims 1 and 7 to 13.

Respectfully submitted,

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